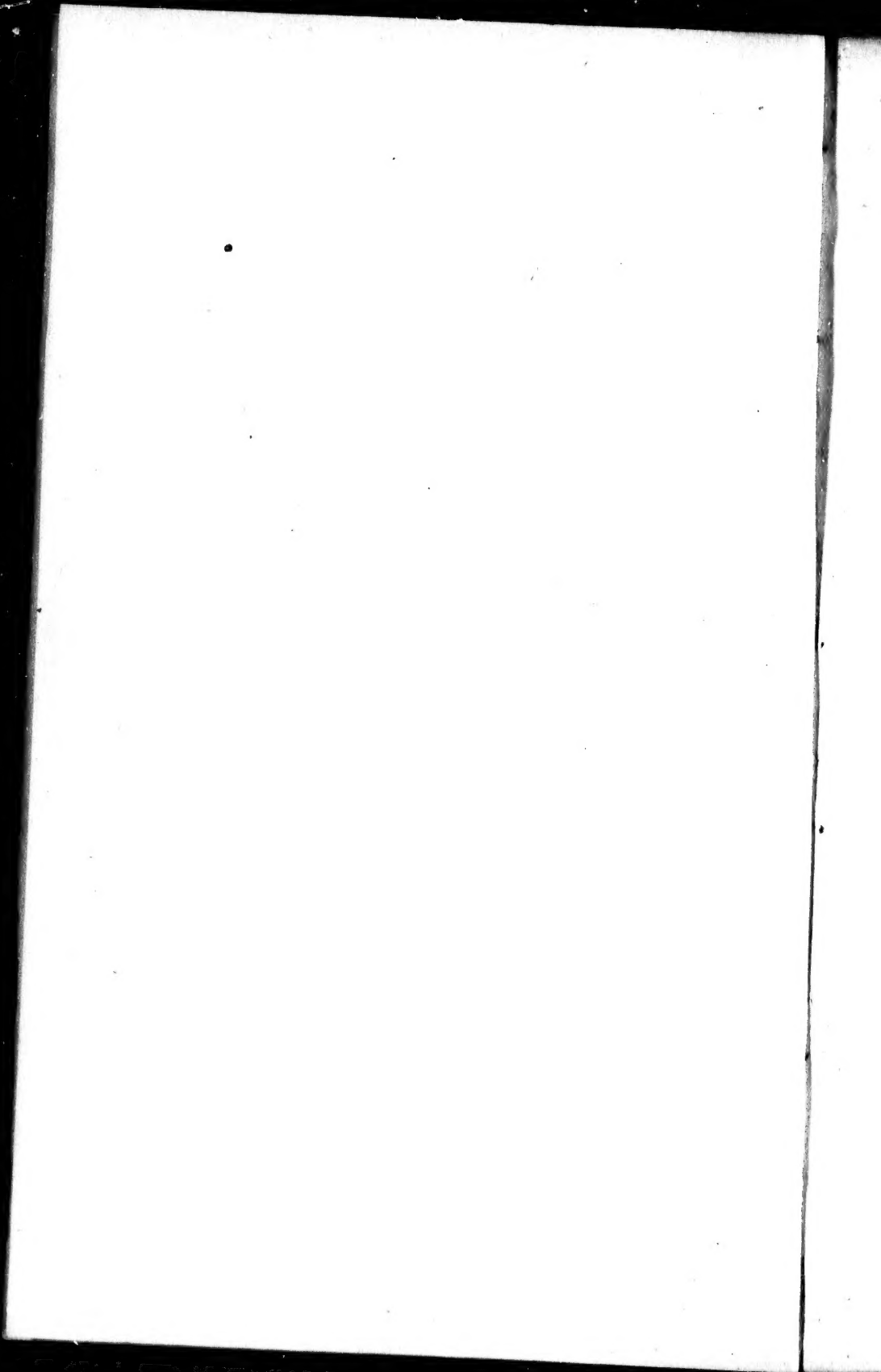




A N
E S S A Y
O N
CONSTITUTIONAL LIBERTY,
WHEREIN THE
LEGAL MEANS OF PREVENTING
THE
UNCONSTITUTIONAL INFLUENCE
OF THE
C R O W N
ARE POINTED OUT.

L O N D O N:

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Constitutional Liberty, &c.

WERE all the members of a society on an equality, and were its laws and regulations such that no one could become more wealthy than his neighbour, but by excelling him in approved personal exertions, they would recognize in each other equal rights, their political system would, in the full latitude of the word, be a free government ; legislators would be only

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the organs of public reason, laws the result of the most equitable composition between men, and the administration could not do any thing displeasing to the people. Here it may be asked, how comes it, that all governments, even those accounted the most free, have hitherto fallen so much short of this perfection? The answer may be given in one word. The difficulty, if not the impossibility of making and supporting the regulations I have hinted.

Whoever considers the inequalities of property among us, their causes, and the diversity of sentiments, thence arising, will soon be convinced, that we have little ground to expect either such laws or such government. What are we to think then of the speculations of those, who argue and assert, that every
 article

article in our public administration, which is not conducted conformable to this primitive model, is an abuse that ought not to be tolerated? If, by any device, they can bring back the dispositions here supposed, all abuses, both public and private, will be easily remedied: But to rail and storm, because government, in the dregs of *Romulus*, is not conducted on the maxims that could only have regulated conduct in the republic of *Plato*, is unreasonable and absurd to the last degree. Let those who know history, point out to me, when and where government, in a society like ours, has been conducted without abuses. Is there a department in private life, where there is not abundance of abuses, which the laws of justice cannot reach? tho' we are sensible that these will remain, while the hu-

man heart harbours its present dispositions, we are not on that account to quarrel with society, and retire into a desert. Some evils are inseparable from the greatest goods. We can no more hope to enjoy the one, and avoid the other, than that we should have serenity of sky for all the months of summer, and not, at the same time, see the fields and meadows scorched.

Civil government, has always been productive of great advantages, and some evils. When we see the follies and perversities that sometimes discover themselves among those, over whom it is exercised, we cease to wonder, when we are told that there are periods, in which the latter seem to increase. Of the hardships and inconveniencies, felt at all times by various orders, in a large empire, few,
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in comparison, proceed from the immediate operations of government:

A noble Lord, not long ago, made use, in the upper House, of a very emphatic expostulation, "Can an arm " that is galled with a chain, wield " the sword of honour?" Undoubtedly my Lord, it cannot; but numbers who speculate less on the state of society, than your Lordship, are able to perceive, that the chains which gall their arms, do not all proceed from Lord *North's* taxes: If every thing else in the society be right, there cannot be much amiss in these. There is a gradation, even in evils; yet nothing is more common, than to find men disapproving of one, and approving of another, inseparably connected with it. Would your Lordship and your associates, untie the heavy burdens?
would

would ye ease us of our chains ? I will point out an effectual method, which I should not have troubled myself to do, had it not been suggested by the theories of liberty, ye yourselves patronise, and without which they cannot be reduced to practice. It would be criminal to suppose, that advocates so strenuous for true liberty, are averse to that which is absolutely necessary to give it effect. Away then with palliatives, let our understandings no more be insulted therewith. Split your estates, promulgate an agrarian law, introduce such discipline, as will eradicate from the mind, those sentiments which render our present distinctions, the principal objects of ambition ; without this, all your efforts will be to no purpose. Then will liberty, in the genuine sense of the word, resume her station among us. A vestige of former

mer corruption and profligacy, will scarcely remain. Public and private virtue, so rarely united at present, will go hand in hand. Without flaming speeches to rouse and excite, we will all shew ourselves, equally interested in the integrity of our rulers. Coincidence of interest will produce coincidence of sentiment. Depend upon it, none shall govern, nor oppose government, in a manner displeasing to us. In a word, wicked administrations, and groundless oppositions, shall be phœnomina, as uncommon in the political, as retrograde motions in the sun, or any of the fixed stars, are in the natural world. Thus, my Lords and Gentlemen, by the same means may you get rid of galling ministers, we of galling chains, and the society in general, of a deal of troublesome bickering. For the attainment of
ends

ends so desirable, is there a patriot, who would not readily sacrifice, the most darling passions of a vulgar breast.

But to my great surprise, I am told, that whatever I may imagine, opposition, at least its leaders, are advocates for no species of liberty which is inconsistent with the present division of property in *Britain*. That I have imagined nothing but what is indispensable to the liberty they espouse in theory, will appear from a few plain questions which I beg leave to put. Can the greatest inequalities of property, which we can suppose, have no influence on the state of liberty? To this all politicians, who have written upon the subject, reply, that where inequalities of property are very great, such a thing as liberty can hardly exist, and that in proportion as those diminish, society becomes

becomes more and more susceptible of this ; 'till perfect equality of fortune gives rise to perfect liberty. Is the present distribution of property, in *Britain*, such, that it can have no influence in limiting the most perfect liberty ? As I do not find that this has been asserted, I ask next, in which of the pamphlets or speeches, that, for these ten years past, have met with the approbation of opposition, are these limitations marked ? Sure I am, that a single one has not fallen into my hands which does not speak, as if liberty ought to have place among us in all the extent in which it can have place in a perfect republic. Now it is well known, that to the liberty of a republic, agrarian laws were always deemed indispensable.

The demagogues of old were so far honest and consistent: They knew, and confessed, that their plans of liberty could never be reduced to practice without agrarian laws, and that any thing short of these was downright mockery. Our modern demagogues attempt to reconcile things, in their nature, incompatible. They preach up liberty in all its latitude, but adhere to the present division of property. Those, indeed, who, in ancient times, asserted the equal rights of mankind, were guilty of an oversight; they forgot that it was necessary to purge the mind of those sentiments which rendered the distinctions they were abolishing the objects of ambition. Seeing the rock upon which these split, and solicitous for permanent advantage, in any future attempt of the kind, I gave their successors

warning,

warning, ingorantly supposing that
 the features of both were, in every re-
 spect, the same. It cannot, therefore,
 be alledged, that I am an enemy to
 true liberty : I do not disapprove in
 the abstract. To her votaries, whom
 I now find to be hypocritical, I have
 always said, “ If by any magic or sor-
 “ cery, known to yourselves, you can
 “ effect such a change in society, and
 “ in the human heart, as will fit both
 “ for the reception of your principles ;
 “ if you can not only abolish our pre-
 “ sent distinctions, but extinguish our
 “ present appetites, I have no objec-
 “ tion. I shall expect to see the re-
 “ turn of those happy times to disap-
 “ pear no more ; when every man
 “ free and independant, sat, without
 “ molestation or fear, under his own
 “ vine, and under his own fig-tree,
 “ Till this new progeny, however,

“ make their appearance ; ’till society
 “ ceases to be what it has hitherto
 “ been in all civilized ages ; ’till ambi-
 “ tion, avarice, and pride withdraw
 “ themselves from among the predo-
 “ minant principles of action, I must
 “ consider your principles equally as
 “ pernicious, in their tendency, as
 “ were the harangues of the ancient
 “ demagogues, and every affected en-
 “ comium on them, as a bait to en-
 “ snare the vulgar, and render them
 “ the dupes of your interested de-
 “ signs.”

Such representations can serve,
 among us, no purpose that is good ;
 they have a tendency to promote the
 very worst They may put the lower
 orders out of humour with our present
 constitution, but will never aid us in
 giving it those improvements of which
 it

it is susceptible. "Public envy, or discontentment," says my Lord *Bacon*, "seemeth to bear chiefly upon principal officers or ministers, rather than upon kings and estates themselves : But this is a sure rule, that if the envy upon the minister be great, when the cause of it in him is small, or if the envy be general, in a manner, upon all the ministers of an estate, then the envy, tho' hidden, is truly upon the state itself." This venerable author contents himself with remarking the fact, the people, though not explicit upon the subject, are sometimes out of humour with the frame of their government. How this is brought about, he does not investigate. His age did not furnish such palpable examples as the present. Let us suppose that our dispositions become more favourable, and that the republican doctrines

doctrines, which have been disseminated for some time, with a more general reception, what would be the consequence? Why? a reiteration of the scenes of *Charles the First's* time, "A very curious spectacle it was, in the last century, to behold," says *Montesquieu*, "the impotent efforts the *English* made for the establishment of a democracy. As those who shared in the direction of public affairs were devoid of all virtue, as their ambition was inflamed by the success of the most daring of their members, as the spirit of a faction was suppressed only by that of a succeeding faction, the government was continually changing; the people, amazed at so many revolutions, sought every where for a democracy without being able to find it. Although, after a series
of

“ of tumultuous motions and violent
 “ shocks, they were obliged to have
 “ recourse to the very government
 “ which they had so odiously pro-
 “ scribed.”

But as it now appears that no party among us is disposed to alter the present distribution of property, the question from henceforth, with all rational enquirers, is not concerning the most perfect liberty, but concerning that degree of it which is suited to the circumstances of our country, which may very properly be called constitutional liberty. That we enjoy this degree under the present government is sufficiently acknowledged, even by those who oppose it: For in all their attempts to irritate the people, they have substituted republican for constitutional liberty, and exposed, as abuses in our govern-

government, what could be accounted such only in a republic.

It would be lost labour to search for constitutional liberty in the pamphlets to which I have alluded. Men whose employments had given them sufficient opportunity of knowing what it is, have from party views given strange representations of it. The late Lord *Bolingbroke*, in the ninth letter of his dissertation on parties, one design of which he tells us, was to give true ideas of the *British* constitution, speaks thus, “ since the revolution, a king of “ *Britain* is strictly and properly what “ kings should always be, a member, “ but the supreme member, or the “ head of a political body. Part of one “ individual specifick whole, in every respect ; distinct from it, or independent of it in none. He can no longer

“ longer move in another orbit from
 “ his people, and like some superior
 “ planet, attract, repel, influence, and
 “ direct their motions by his own.
 “ He and they are parts of the same
 “ system, intimately joined, and co-
 “ operating together, acting, and acted
 “ upon, limiting, and limited, con-
 “ trouling, and controuled by one
 “ another; and when he ceases to
 “ stand in this relation to them, he
 “ ceases to stand in any.” There is
 no dispute about all this in theory,
 neither would there be any in practice,
 were there a perfect coincidence in the
 views and interests of the whole poli-
 tical body, as is here supposed, by
 our author. When I say, a perfect
 coincidence of views and interests, I
 do not mean that which a philosopher
 may discover in his closet, but a co-
 incidence, which the actions of every

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mem-

member discover. In that case, I allow, there would be no dispute whether the chief magistrate moved in an orbit in which he ought not, for what one calls his proper orbit, all call his proper orbit. But had ever this coincidence place in any political body, where great inequalities of rank and fortune subsist? Do not such always imply, different views and interests, at least to a certain degree? And as nothing is more probable, than that different classes, or denominations of men, will view government in different lights; shall the party, with whose views its operations happen not to coincide, tell the supreme magistrate, that he no longer stands in that relation to them. The consequence would be continual tumults, insurrections and rebellions.

Should

Should it here be asked, may not tyranny shelter itself under such pretences; how shall we distinguish between the operations of government, which excite the displeasure of a party from selfish views, and those which violate the dearest rights of the subject? will not ministers alledge, when guilty of the latter, that those who oppose their measures, act still from selfish views? we reply, that every where we find a greater, or less degree of power in the hands of government, in proportion to the greater, or less diversity of sentiments that prevail among the governed, and that tyranny has never met with better support than in opposite views and interests. The liberty of a country, depends very much on the habits of its people. A French Abbè* refines thus on the

* Mably.

conduct of *Romulus* ; “ If he succeeded
 “ in establishing a distinction among
 “ the *Roman* families, and forming a
 “ nobility, the peculiar character of
 “ whom, at all times, and in all
 “ places, is, to despise the people ;
 “ he was sensible that there would
 “ thence result a mutual hatred, ad-
 “ vantageous to his authority.”

By such means, does this Abbè make
 the founder of *Rome*, raise himself
 from being only the instrument of his
 people's power, to be the spring of all
 their motions. What *Romulus* did in
 this respect, it is needless to enquire ;
 this is a species of policy, with which
 princes, in later times, have not been
 unacquainted. I would only observe,
 that had the division of lands been
 preserved, which *Romulus* is supposed
 to have made among his people, we
 should

should never have heard of the distinction in question, nor of the tyranny of *Tarquin*. With respect to which, the same politician observes, "The contempt shewn by the great, in opposition to the hatred of the people, and the indifference of both for the public good, those necessary consequences of the changes introduced into the government, gave *Tarquin* an opportunity of usurping the crown. It is probable, that he would have confirmed his authority, had his son committed such crimes against one order of citizens, as flattered the resentment and jealousy of the rest, and not been guilty of an infamous action, that was a common affront to all who bore the name of *Romans*."

Such was the power thrown into the hands of the *Roman* kings, by the dif-

different, or rather by the opposite views and interests in the political body. But we are told that the different orders in our government, have not only a common interest, but, considered as orders, or estates, "they have no separate contradictory interests." Were I fully convinced of this, I should never be apprehensive of abuses in our government. A philosopher, who sits down to speculate upon our constitution, may easily make it appear, that there are no separate contradictory interests among us; and when mankind are brought to act upon the principles which he ascribes to them, their conduct may correspond with his theories. In the mean time, however, nothing is more common than to find men acting uniformly, as if their interest consisted in particulars,

very

very different from those in which the philosopher places it.

It will not be denied, that the most important particulars, in which the different orders of our state, make their respective interests consist, are common to the whole. No material injury can be done to one, without alarming all the rest. This happy coincidence of interest in all matters of moment, it is to be hoped, will for ever prevent great abuses in our government, or will produce such a concurrence, as will soon redress them in a legal way. Such will continue to be our case, 'till some great change, by the shifting of property takes place in the internal state of the kingdom. And the consideration of it, whatever clamours may be occasionally raised against government, by disappointed parties, will
quiet

quiet the mind of every sensible man, while he sees that things in general, are in that situation, which established the coincidence just mentioned. If any thing can render this principle doubtful, in such as our present circumstances, it would be the violence of party divisions.

To assert, however, that the different orders among us, have, in their own apprehension of things, "no separate contradictory interests," is going perhaps too far. These words, so artfully put together, I quoted from Lord *Bolingbroke*. Allow it, that interests are not so far separate, as to be contradictory, yet admitting the existence of separate interests, will they not produce, in society, effects which would not have place where one single interest prevails? For these effects his
 Lord-

Lordship makes no allowance, neither, indeed, could he consistently with his scheme of liberty. They are very justly marked by the president *Montesquieu*, in speaking of our government, "The body of the nobility," says he, "ought to be hereditary : In the first place, it is so in its own nature; and in the next, there must be a considerable interest to preserve its privileges; privileges which, in themselves, are obnoxious to popular envy, and, of course, in a free state, are always in danger."

What effects did the conduct of the House of Commons produce, in the reign of *Charles II.* when we are told its character was determined by the temper of the people, and when opinions were prevalent among a great part of the people, too much akin

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with

with those which are propagated at present? Our noble author, as well as every historian who writes the history of that period, tell us, that apprehensions of falling back under the influence of presbyterian and republican principles, began to shew themselves in the House of Lords. It is of no consequence what may be the determination of a philosopher respecting these apprehensions, whether he will consider them well, or ill-founded. Prejudices, if you will call them so, were alarmed, but let me tell you, allowances must be made, even in the frame of a government, for the prejudices of a respectable order of men, otherwise they will regard the common liberty as their slavery. I will venture to prognosticate, whatever motives particular Lords may have for approbation, that the House of Com-
mons

mons will never act on similar principles, without exciting similar apprehensions in the House of Lords. Hitherto this has uniformly been the case, and we have no reason to believe, that human nature is greatly changing.

Before the reign of *Henry* the Seventh, republican ideas had produced very little disturbance in our nation. The subjection in which the Commons were held, prevented all jealousy in their superiors. They spread, however, in consequence of that change, which took place in the state of property between this period, and the reign of *Charles* the First. At this æra, the Lords perceived the pretensions of the Commons to be no less injurious to their privileges than to the royal prerogative. It will readily be allowed,

that both the royal prerogative and their privileges were exorbitant ; but I may safely say, that the spirit which at that time animated the Commons would prove fatal to our present king and nobility. How then is the harmony of our government to be preserved ? Why, by admitting the Commons to a participation of all the honours and offices of the state. These are at the disposal of the crown, and, as Mr. *Hume* observes, are necessary to the preservation of our mixed government. Hence it is that the interest of the Commons, as a body, is restrained by the expectation of individuals. Hence the jealousy and apprehensions of the Lords are prevented, and all the powers of the state move in concert.

It cannot be denied, that this influence from the disposal of offices may
be

be so far increased as to become dangerous to liberty. No general rule, however, can be framed, whereby we may decide exactly when that comes to be the case, “ for, says the acute author just mentioned, it is impossible to assign to the crown such a determinate degree of power, as will, in every hand, form a proper counter-balance to the other parts of the constitution. This is an unavoidable disadvantage among many advantages attending our species of government.” But though excess in this case cannot be defined, it may be felt. I shall afterwards point out what remedy the constitution has appointed, should the people, at any time, have reason to believe, that their representatives are under the undue influence of the crown.

It

It is diverting to see how this whole matter has been misrepresented. No man knew better the regal rights of the British monarchy, than Lord *Bolingbroke*. No man, at a certain time, was a greater stickler for them, but being disappointed in his views, with regard to the succession, he desired above all things, to impose the strictest limitations on the crown, and to bring our form of government as near the republican as possible, in order to depress the new family, and embarrass a minister, who was the object of his peculiar hatred. Notwithstanding his political pieces were written with these intentions, our opposition-writers ever since, have done little else than retailed his notions. I have the candour to believe that those who set them at work, have but one motive in common with

with his Lordship, namely, peculiar hatred of a ministry.

Between corruption, or private bribery, and the offices at the disposal of the crown, our noble author makes seldom any distinction. The effects of both, he always considers as equally detrimental to the constitution. "Some
 " tell us, says he, that corruption
 " serves to oil the wheels of govern-
 " ment, and to render the administra-
 " tion smooth and easy. According
 " to them, our excellent constitution
 " is no better than a jumble of in-
 " compatible powers, which would se-
 " parate and fall to pieces of them-
 " selves, unless restrained and upheld
 " by such honourable methods, as
 " those of bribery and corruption."
 We do not consider our excellent con-
 stitution as a jumble of incompatible
 powers,

powers, but we consider it as a combination of different orders of men, the nature of each of which is, and always has been, to pursue a particular interest, and if uncontrouled, to usurp upon every other. In the distribution of power, the House of Commons has so much, that without the controul I have mentioned, it could not be kept within what the other branches of the legislature think its proper limits.

Had we neither King nor Lords in the nation, and were there no desire in any of the Commons to rise to either of these stations, or, to lord it over his fellows, the whole legislative power might, without any inconvenience, be lodged in the House of Commons. They could never carry matters to excess. The temper of the people would infallibly determine that
of

of the House. And whatever is conformable to the passions of a people, never appears extravagant or reprehensible to themselves. Were such a House to nominate a magistrate for discharging the executive power, his situation would be precisely that which Lord *Bolingbroke* assigns to our present kings. He could move in no orbit, but that chalked out for him by the Commons, a deviation from which would never admit of any dispute. The unanimity arising from the coincidence of interests among the members of the political body, would determine every thing. In short, he could do nothing displeasing to the House, and the House could do nothing displeasing to the people.

We see then, that instead of that species of liberty, of which the state

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of society in *Britain*, at the revolution, and ever since, has been susceptible ; the noble author gives us that which can have place only among republicans. Republicanism, when established here, was accounted a subversion, not a reformation of our government. Had those who took the lead in destroying our old government, had any intention to establish a real republic, its regulations would have been in direct contradiction to the sentiments of our minds. Since the restoration of our mixed government, it is agreed on all hands, that the king ought to stand in that relation assigned him by the whole society ; but it is denied, that any class or order in the society, has the exclusive right of determining what this relation is, or when he ceases to stand in it. How unreasonable is it therefore to say, that the conformity, or
non-

nonconformity of our government to a scheme of liberty, which in essence is republicanism, prescribes the measures of submission to our kings? It is in effect telling every class of people, "when the government of this country is not conducted in a manner pleasing to yourselves, you are to consider the king as having forfeited his right to allegiance." Such a doctrine, when urged seriously, I must always consider, as pernicious in a nation, where variety of interests is to be attended to. Whoever judges, by a standard of this kind, and our disappointed people judge by no other, which they have the effrontery to call the constitution, may easily find abuses in government.

The views of a party are no sooner crossed, than all its members are displeased. Every one exclaims that the conduct of the ministry is become arbitrary, that the constitution is in danger, and that if things go so, it must inevitably be ruined. The real constitution would tell such, "my existence is not the phantom of your pleasure, nor my annihilation, the phantom of your displeasure. I am, as it were, a record of those articles, in which all the heterogenous parts of the society concur and agree, there are thousands in which they disagree. With these I have no concern whatever individuals, or parties may allege to the contrary. An attack upon any of my constituent parts, would bring millions to my assistance."

" But

“ But why, say the opposition, enter
 “ into a discussion concerning the dif-
 “ ferent orders of the state? we have
 “ no intention to abridge established
 “ rights and privileges; we complain
 “ only of the grievances peculiar to
 “ the present time.” Have you made
 it appear that they are peculiar to
 the present time? or that the standard,
 by which you estimate them, does
 not operate to the extirpation of all
 distinctions in the state? The inten-
 tion of my discussion, is to shew, that
 you have done neither the one or the
 other. Those who have judged by
 your present theories, have ever found
 as many, if not the very same grie-
 vances which you find at present.
 Was not corruption of parliament,
 waste in the public expenditure, accu-
 mulation of debt and taxes, the bur-
 den of Lord *Bolingbroke’s* song? Did
 not

not the men in power proceed, in his time, deliberately and superciliously, from blunder to blunder, from year to year, in one perpetual maze of confused, incoherent, inconsistent, unmeaning schemes of business ? I know no form of government that can prevent these evils, but the republic above supposed. There indeed, a minister, who should presume to proceed in this manner, or calumniators of his conduct, when he did not proceed in this manner, would soon meet with their deserts. But as these are not our circumstances, we must put up with the inconveniencies, to which our fathers submitted. We must always expect to find some exclaiming against the measures of government, and judging, with as little candour, as if their particular interest ought to be its sole object.

What

What is to be done then ! are we to find no fault with government, whatever its measures be ? What would have been our condition, had this been the conduct of our ancestors ? The conduct of our ancestors furnish a plain, unequivocal rule, whereby to decide, concerning the merits of all those, who oppose government, in our present circumstances.

I have observed, that though different parties among us have particular views, yet the essential rights and interest of one, are confessedly the essential rights and interests of every other. It was the conduct of our ancestors which brought about this coincidence. While it exists, I address the opposers of government thus, “ If your resentments arise from private disappointments, the pretences under which
“ you

“ you endeavour to cloak them deserve
“ the execration of all your fellow sub-
“ jects. If you are vindicating essen-
“ tial rights, there is no doubt but
“ your attempts will meet with the
“ approbation and concurrence of your
“ fellow subjects.”

Here we join issue, say the present
opposition. “ Individuals flatter them-
selves extremely if they hope to make
the nation angry, because they are so.
Does not the nation espouse our cause ?
Have not many counties already sent
petitions, praying redress of the griev-
ances of which we complain ?” A
twentieth part of the community has
not yet adopted your grievances, nor
signified any approbation of your con-
duct. You tell me, that were your
resentments of the private kind, you
could not expect to make any part of
the

the nation angry because you are so. There is too much modesty in this. Such a thing has been expected, and effected too, by men of whose views and designs the world has not judged very favourably. How came it, that such numbers flocked to the standard of *Catiline*, and abetted his designs with so much zeal and constancy, that when the senate proclaimed a pardon to all who within a certain time should lay down their arms, not one departed from his camp? The profligacy of the age, and the delusive glosses which he and his associates put upon their ends, were not the sole causes. The historian tells us, that all over the empire, the people were oppressed with debt, and exasperated at the cruelty of creditors.

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Was

Was this owing to any particular negligence or impolicy in those who were in the *Roman* magistracy at that time? No; it was owing to the impolicy of the *Roman* laws respecting debtor and creditor, which, as *Montesquieu* observes, had frequently thrown the republic into danger. Was *Catiline* a character from which redress of the grievances thence arising might reasonably be expected? It is true, he promised an abolition of debts, : are not unlike our modern theories of liberty and reformation; but I reckon the expectations of no man of common sense and common honesty were very sanguine on the occasion.

We see, however, there were real grievances at that time. But we may believe that grievances resulting from a government that had stood for such a length

length of time, and whose laws were the effect of experience, could not be removed all on a sudden. If the reader will turn to the last chapter of the 22d book of the Spirit of Laws, he will see, at one view, from the frequent alterations which the republic made in the rate of interest, how much the best citizens were perplexed upon the subject of the laws in question.

Catiline saw no difficulty in the matter, at least he pretended so to the people, and made them believe, that all the hesitation of the men in power to comply with their petitions, was merely the effect of corruption, and the love of tyranny ; and that if such upright and public-spirited men as himself, and his associates, had the management of affairs, happiness would soon be restored to the common wealth.

The conduct of the magistrates were painted in the most odious colours, and contrasted with what the people chimerically thought it should be. Of the many invectives thrown out, it would have been odd, if some had not been well founded. But whoever will consider, for a moment, the state of things at that time among the *Romans*, will perceive that had the magistrates been any thing less than angels, evils and abuses, in the government of such a corrupt society, were inevitable.

If the state had been capable of reformation, the method of *Catiline* to stir up the people against the laws, was contrary to the interest of the society in every sense of the word. “ If the
 “ virtues and vices of a people, at the
 “ time when any revolution happens
 “ in their government, are the mea-
 “ sures

“ fures of the liberty or slavery which
 “ they ought to expect ;” the *Romans*,
 at the time in question, had little
 ground to promise themselves a better
 condition. These considerations gave
Catiline no concern. Arms were the
 only means by which he could better
 himself. That specious pretences
 therefore should induce people, on
 some occasions, to act contrary to their
 acknowledged interest, is not a thing
 new in the history of mankind. The
 ill humours arising from particular
 hardships, which government can nei-
 ther always prevent, nor attend to, are,
 as it were, a fund in every state, which
 a small degree of artifice and dexterity
 may render instrumental in promoting
 any cause.

I have here put the most favourable
 construction on the discontents of the
 people.

people. Lord *Bacon* speaks upon the same subject as follows : “ As for discontentments, they are in the political body, like to humours in the natural, which are apt to gather preternatural heat, and to inflame. And let no prince measure the danger of them by this, whether they be just or unjust ; for that were to imagine people to be too reasonable, who do often spurn at their own good ; nor yet by this, whether the griefs, whereupon they rise, be in fact, great or small ; for they are the most dangerous discontentments, where the fear is greater than the feeling. *Dolendi modus Timendi non item.*” His Lordship, we see, was of opinion, that real grievances are seldom, or ever the measure of people discontentment.

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This is more frequently the case than some are willing to allow. Government, being a curb upon the vicious appetites of human nature, its administrators may expect opposition from numbers, who are ashamed to avow their real motives. Whether there are any such in the present virtuous age, it would be superfluous to enquire; the service they did to *Catiline*, is fully recorded *. There is no occasion however to assert, that all complaints proceed from these opprobrious causes. The imperfections of man, cleave to all his productions.

* —cuncta plebes novarum rerum studio Catilinæ incepta probabat. Id adeo more suo videbatur facere. Nam semper in civitate, quæ opes nullæ sunt; bonis invident, malos extollunt; vetera odere nova exoptant; odio suarum rerum mutari omnia student; turba atque seditionibus sine cura aluntur, quoniam egestas facile habetur sine demno. Sall. in bel Cat.

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No man will take upon him to say, that there are no hardships among us, proceeding from the imperfection of our laws, for which the wisest heads have not been able to devise proper remedies. Should a desperate faction start up, and avail themselves of the indispositions thence arising, and tell government that the people are angry as well as they, every impartial man would concur in calling the plea unfair. What mode of address is it most likely that such a faction would use ? Would it tell the people at the same time, that it admitted and exaggerated their grievances ; what the real source of them is ; that the removal of them will be attended with difficulty, and can be effected only by mature deliberation and inquiry ? Or would it not rather point out those who were the objects of its own private hatred,

as the sole cause of grievances? Would it not rather tell the people that the evils they complain of, may be easily and speedily removed, and that to ask time to deliberate, is a mere evasion, if not a downright refusal of their petitions. "But, what if the men in power should be the only impediment to reformation?" *Catiline* may say so, but I can suppose no such thing. If they do not listen always with an auspicious ear to complaints, their designs are seldom so bad as his.

I do not see the necessity of supposing, that ministers are eternally plotting against liberty. In this country in particular, if we may believe our opposition, we have a striking proof of the contrary. Our constitution, according to them, was a dead letter fifty years ago, and our liberties,

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at the mercy of ministers. Had these ministers been as inimical to liberty as their antagonists represent them, we should long before this time have enjoyed none at all. If it be allowed that this was a false alarm, that it never fared so ill with the constitution as represented, I must entertain the most violent suspicions of every thing that comes from the same quarter; for no pains, no asseverations were spared to impress the minds of the people with these groundless apprehensions.

Admitting then the existence of the constitution, it may be asked, in what respect has it been damaged by the present administration? Which of its bulwarks have they endeavoured to overthrow or undermine? Have the right of election, or the privileges of par-

parliament been violated? Have we not had sufficient freedom of speech and debate in the House? Has that freedom of speech and debate been impeached, or questioned out of the House? Has the course of justice been disturbed, or impeded? has any article of *magna charta*, or of *habeas corpus*, been infringed? Who has been imprisoned, dis-seized, or out-lawed, contrary to the law of the land? It is not even pretended, that a breach has been made, in any of these respects. "If there has not, is there not still "room for mal-administration?" Yes. In the most perfect constitution, something will always depend on the particular abilities of its ministers. But I would ask those who accuse the present, as deficient in this respect, what pledge or security have the public, were you in office, against the mal-

administration arising from the same source? Upon what score are you entitled to plead exemption from the frailties of humanity? Has the tenor of your lives hitherto furnished moral certainty of the rectitude of your future conduct?

“The present ministers have impoverished the nation, by attempting to carry into execution, impracticable schemes.” These schemes were laid down by their predecessors, some of whom you, their present antagonists, were. But I thought that after admitting the essentials of liberty to be safe, your charges of mal-administration, had rested solely on the personal characters of men. Against what you now mention, there is provision in the constitution. This country cannot be impoverished, ministers cannot touch

touch a half-penny of the public money, without the concurrence of parliament, which implies, that the schemes of ministers are approved by parliament.

“ The independence of parliament
 “ is destroyed, corruption is trium-
 “ phant, the majority, like a tame,
 “ well-tutored flock, follow their bell-
 “ wether obstinately, but never tread
 “ upon his heels.” These are stale
 complaints. We can infer nothing
 from them, but either that our liber-
 ties must have been destroyed long ago,
 or that ministers have acted in the in-
 terest of the people; in which case,
 those who originally mustered up the
 complaints, tell us, that the measures
 of government will always meet with
 the concurrence of an independent par-
 liament. There is but one alternative,
 either

either liberty is destroyed, or the measures of government are not inimical to liberty, If it be said, that the measures of government are only operating the destruction of liberty, I reply, they were doing so fifty years ago, if we believe the opposition of that time. Now I will take upon me to say, that any impartial person, after the strictest enquiry, will find, no more immediate tendency in the measures of the present day, than in those of the last age, to destroy liberty. I defy, even the most violent arraigners of present measures, to specify one article in our list of grievances, which was not represented fifty years ago, as immediately destructive to liberty. To do this, is the more incumbent on them, because they have, with much confidence, told the present generation, that the government of our country, has

has of late, deviated entirely from its ancient maxims, and that its measures are marked by a spirit of tyranny, unknown to our fathers. What a happiness ! that “ mankind are, in all “ ages, caught by the same baits, that “ the same tricks played, over and “ over again, should still trepan them.”

We come now to the subject of the petitions that have been sent to parliament, praying redress of grievances. We shall not dispute the existence of grievances, the best institutions are productive of some ; even the theocracy itself was not exempted from its share. The government of this country is now conducted on the plan that was established at the revolution. If that plan involved in it any imperfections, or has been become productive of particular hardships, that could not have been fore-

foreseen, they are chargeable upon no particular administration. From the character of the present, there is no reason to suspect that they are more averse to reformati^ons than any other set of men in the kingdom. But as our present system of government is the effect of time, it may be presumed; that utility suggested its several departments. While, therefore, we are reforming particular abuses in these, we must not lose sight of the general purposes for which they were instituted. Of this, it is the more necessary, to be reminded, because, as *Montesquieu* observes, “ the great advantages resulting from establishments lie often closely concealed, while the little inconveniences that attend them are most sensibly felt.” Whether this principle has been sufficiently attended to, by the author
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of a bill now in parliament will merit discretion upon some other occasion.

The petitioners complain of the increase of taxes, and of the influence of the crown, as dangerous to liberty. The system of finance now followed, is that which was established immediately after the revolution. That many objections may be made to it, does not escape me, but I believe that every one who has thought upon the subject, will allow, that to frame another without the imperfections of the present, and which will answer the exigences of the state equally well, is a matter of no small difficulty. Taxes have always encreased when we have been engaged in a war. We cannot determine what is excess in the revenues of a state, without taking into consideration the riches of its members, A due

proportion between these will naturally take place, unless it be prevented by some extraordinary concurrence of circumstances ; as in the latter days of the *Roman* republic, when we are told there was public exigence and private opulence. The cause of which was, that from the time the state began to look upon itself as the sovereign of the world, all taxes on its own members had been discontinued. This seeming advantage is, however, justly accounted one cause of its ruin ; for when a few virtuous citizens would have frustrated the machinations of its secret enemies, there was no treasure wherewith to do it. But this was an extraordinary case. In general, the proportion I have mentioned, takes place so infallibly, that a minister cannot encrease the revenue, in any considerable degree, while the wealth of a nation does not increase.

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The grand sources of increase, in the latter, are liberty and industry. In a nation blessed with these, taxes which would ruin all others, may prove only additional incentives to labour. If, therefore, our present taxes are not injudiciously laid, which is not pretended, there can be no great ground of complaint, while parliament approves of the ends for which they are levied.

In what respect would you reduce the influence of the crown ? “ All its influence upon the House of Commons, excepting that which is constitutional, ought to be abolished. Annual parliaments ought to be restored. No member ought to hold any place or pension under the crown.” Some, I know, have told you, that the king would, in that case, still retain his constitutional influence in the legisla-

ture ; but they have neither told you, nor us, at what æra of our government the influence of the crown was restricted to these limits. Such a thing has not been attempted by any administration since the revolution, neither, as I have shewn, could it be attempted with any good effect, in a society like ours.

Your instructors assign to our kings no more influence or power, than the executive magistrate of a pure republic would be allowed to possess. When we are possessed of the sentiments required in a pure republic ; when ambition and interest cease to disunite us ; when we become as fond of quality, as the generality of us just now are of precedency, then may we have annual parliaments. In the mean time, it would become you, as men who
know

know the world, not to allow yourselves to be transported by the phrensy of a faction. Its heads, were they once in office, would talk to you in a very different strain. When you are about to reform, you must remember, if you expect any beneficial effects, that it is a mixed government, and not a republic that is the subject of your reformations.

“ Why should the entire independence of the House of Commons prove detrimental to our mixed government. Admitting it never has been effectually secured since the revolution, that is no reason why it should not be attempted. Annual parliaments have had place in this nation without any inconvenience.” There is a prejudice, not altogether groundless in affairs of government, against new experiments.

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If the present ministry should not have resolution enough to abandon the path of their predecessors, I cannot blame them.

The least knowing of you, can scarcely be ignorant, that the circumstances of the nation are now very different from what they were when annual parliaments obtained among us. At that time, the House of Commons was little else than a mere implement in the legislature. The civil subjection of its members, deprived it of all political importance. In consequence of the diffusion of property, it acquired political importance, and being cured of republican whimsies, has fixed the constitution at the true poise of a mixed government. This poise produced a coincidence of the principal rights and interests of the whole

whole community. Whatever therefore tends to throw more weight into one scale of government than into another, tends so far to annihilate the coincidence.

A bill, some time ago, passed the House of Commons incapacitating all who were members of that house, to hold any place or pension under the crown. It was rejected in the House of Lords, because, said they, it implies what is not a fact, a repugnancy between the interest of the sovereign and that of his people. It is mere weakness to suppose, that the same persons should not equally serve both at the same time. I would not have the Commons of *Britain* to acquiesce entirely in this argument. Neither the King nor the Lords have an exclu-
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five right to determine what is the interest of the people.

If at any time the collective body of the Commons should feel, that what they think their interest, is either neglected or injured by their representatives ; if offices and places, at the disposal of the crown, should ever become so numerous, that in opposition to the honest and disinterested part of the House, the court should always command the resolutions of the whole, I say, in such a case, the constitution has not left the collective body without resource. It authorises them to petition his Majesty to dissolve the parliament. We here suppose, that the evil effects arising from this undue influence, will be felt throughout the kingdom, and that a majority at least of the people will concur in this petition.

tion. This supposition cannot be called unreasonable, when we consider the coincidence of general interests. In consequence of the dissolution, they will have an opportunity of electing a parliament of honest and disinterested men, which in a legal manner will redress the undue influence of the crown, and secure the independency of the House so far, that the Court, without being assisted by the honest and disinterested members, cannot command the resolutions of the whole. If it should happen that the electors are not honest and disinterested enough to make this choice, it will be more difficult to find a remedy. But I leave the reader to judge, with what justice or propriety, such electors could complain of grievances. If it be asked, what if the king in such a case, should not dis-

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solve

olve the parliament, it is sufficient to reply, that since the revolution, a king of *Great Britain* has never said, nor acted, as if he would not comply with the petition of a majority of his people. It would be needless therefore, yea, it would be injurious, to suppose any such thing.

But what I have now supposed as a possible case in our government, it would seem is not, even in the opinion of the petitioners, the present circumstances of the nation. They have not petitioned for a dissolution of parliament, they have only petitioned the House itself, which supposes, whatever may have been surmised, that the House is yet capable of redressing grievances. Whatever therefore the determination of the House may be, respecting grievances, no part of the
people

people can, with any justice murmur. The obligations to submit in this case, are equally strong, as in any other. If they should think that enough has not been done for them, they ought to remember, that what they think their interest, can claim the attention of the legislative, only in conjunction, with that of their fellows.

“ If the determination of the House
 “ is not satisfactory, why should we
 “ not then petition for a dissolution ?”
 I have no objection, only one thing
 is to be adverted to. You are not to
 take it amiss if his Majesty should
 think himself under an obligation of
 not complying with your request, 'till
 you become a majority of the people.
 Were government to deviate from this
 rule, the existence of one branch of
 the legislature, would depend upon the

caprice of every party, which had influence enough to procure a few petitions.

I have now said, with respect to your petitions, all that is necessary to be said, and I have made all the concessions that I think a reasonable man can desire. I have allowed, that there are grievances, I have allowed, that any part of the people has a right to petition their representatives for redress. If they are under no undue influence, you cannot suppose but that they will give all the redress, of which the circumstances of the state will admit. If there is ground to suspect undue influence, it cannot escape the notice of the nation in general. It will produce a concurrence. And the concurrence of a majority, can in effect, unmake one parliament, and make another.

ther. This being clearly, and incontestibly, the scheme of our constitution, where was the necessity, where was the occasion for such illegal associations as your present committees? Would a national party, have recourse to any but national means of redress? Would real concern for the constitution, have dictated a violation of the constitution? Is there a single motive or plea, on which your committees can be justified? From this wanton innovation, and dangerous attack upon the constitution, you have given the world too much reason to conclude, that you are blinded by the spirit of a faction.

F I N I S.